

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:) CASE No.: 22-42
SIMON ESCALADA, DVM)
HOLDER OF LICENSE No. 0881) CONSENT AGREEMENT
FOR THE PRACTICE OF VETERINARY) FINDINGS OF FACT
MEDICINE IN THE STATE OF ARIZONA,) CONCLUSIONS OF LAW
RESPONDENT.) AND ORDER

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 *et. seq.* and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Simon Escalada, DVM ("Respondent"), holder of license No. 0881 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, and Order ("Consent Agreement") as final disposition of this matter. This Consent Agreement amends the original Order which became effective on June 20, 2022 and is incorporated within as Attachment 1.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, *et. seq.*

1 2. Respondent has the right to consult with an attorney prior to entering into
2 this Consent Agreement. Respondent has a right to a public hearing
3 concerning this case. He further acknowledges that at such hearing he could
4 present evidence and cross-examine witnesses. Respondent irrevocably waives
5 his right to such a hearing.

6 3. Respondent irrevocably waives any right to rehearing or review or to any
7 judicial review or any other appeal of these matters.

8 4. The Consent Agreement, once approved by the Board and signed by the
9 Respondent, shall constitute a public record, which may be disseminated as a
10 formal action of the Board. Sufficient evidence exists for the Board to make the
11 Findings of Fact and Conclusions of Law set forth in the Consent Agreement.

12 5. Respondent acknowledges and understands that this Consent
13 Agreement will not become effective until the Board approves it and it is signed
14 by the Board's Executive Director. Respondent acknowledges and agrees that
15 upon signing and returning this Consent Agreement to the Board's Executive
16 Director, Respondent may not revoke his acceptance of the Consent
17 Agreement or make any modifications to the document, regardless of whether
18 the Consent Agreement has been issued by the Executive Director.

19 6. If any part of the Consent Agreement is later declared void or otherwise
20 unenforceable, the remainder of the Order in its entirety shall remain in force
21 and effect.

22 7. Respondent acknowledges that any violation of this Consent Agreement
23 constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and may result
24 in disciplinary action pursuant to A.R.S. § 32-2234.
25

1 8. This Consent Agreement and Order is effective on the date signed by the
2 Board.

3
4
5 DATED this 2 day of June 2023.

6
7 
8 Simon Escalada, DVM

9
10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of
12 the practice of veterinary medicine in the State of Arizona.

13 2. Respondent holds license No. 0881 for the practice of veterinary medicine
14 in the State of Arizona.

15 3. On June 20, 2022, the Board Order for Case 22-42 became effective. The
16 Order placed Respondent's license on Probation for a period of one (1) year to
17 complete the following requirements: (1) complete three (3) hours of Board-
18 approved continuing education in the topic of Veterinary Client Patient
19 Relationships and/or Medical Record Keeping; (2) complete three (3) hours of
20 Board-approved continuing education in the topic of prescription drugs; (3)
21 submit a written summary of the Arizona Veterinary Practice Act; and (4) attend
22 a meeting of the Board to observe the Initial Investigative Reviews and Informal
23 Interviews.

24 4. On May 12, 2023, Respondent submitted proof of completion of his final
25 set of continuing education courses and requested that the Board impose a
civil penalty in lieu of the requirement to attend a Board meeting as he would

22-42 Simon Escalada, DVM

1 be unable to attend the June meeting due to family circumstances and
2 because he was totally aware of the function of the Board from his own
3 experience.

4 5. At the Board's May 17, 2023 meeting, the Board determined the
5 Respondent had met all requirements of the Order except attending a Board
6 meeting. The Board agreed to Respondent's request to modify the terms of the
7 Order to impose a civil penalty in lieu of requiring his attendance at a future
8 Board meeting.

9 **AMENDED ORDER**

10 Based upon the foregoing Findings of Fact and Conclusions of Law as
11 prescribed in the original Board Order it is **ORDERED** that Respondent's License,
12 No. 8368 remain on **PROBATION an additional thirty (30) days**, to July 20, 2023,
13 subject to the following terms and conditions that shall be completed within the
14 Probationary period. These requirements include:

15 1. It is **ORDERED** that Respondent shall attend submit a two hundred fifty
16 dollar (\$250) civil penalty by the end of the revised Probation period. Civil
17 penalty shall be paid to the Arizona Veterinary Medical Board via certified
18 check, cashier's check, or money order.

19 2. Respondent shall obey all federal, state and local laws/rules governing the
20 practice of veterinary medicine in this state.

21 3. Respondent shall bear all costs of complying with this Consent Agreement.

22 4. This Consent Agreement is conclusive evidence of the matters described
23 and may be considered by the Board in determining an appropriate sanction
24 in the event a subsequent violation occurs. In the event Respondent violates
25 any term of this Consent Agreement, the Board may, after opportunity for

1 Informal Interview or Formal Hearing, take any other appropriate disciplinary
2 action authorized by law, including suspension or revocation of Respondent's
3 license.

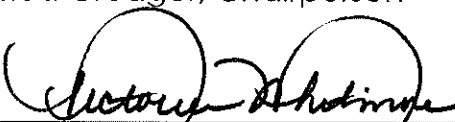
4 ISSUED THIS 7th DAY OF June, 2023.

5 FOR THE BOARD:

6 ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

7 Jessica Creager, Chairperson

8 By



9 Victoria Whitmore, Executive Director

10
11 Original of the foregoing filed

12 This 7th day of June, 2023 with:

13 Arizona State Veterinary Medical Examining Board

14 1740 W. Adams St, Ste. 4600

15 Phoenix, Arizona 85007

16 Copy of the foregoing mailed by Certified, return receipt mail

17 This 7th day of June, 2023 to:

18 Simon Escalada, DVM

19 Address on file

20 Respondent

21 By:



22 Board Staff

BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD

IN THE MATTER OF:

) CASE No.: 22-42

SIMON ESCALADA, DVM
HOLDER OF LICENSE No. 0881

) ORDER DENYING RESPONDENT'S
) MOTION FOR REHEARING OR
) REVIEW

FOR THE PRACTICE OF VETERINARY
MEDICINE IN THE STATE OF ARIZONA,

RESPONDENT.

BACKGROUND

On June 10, 2022, the Arizona State Veterinary Medical Examining Board ("Board") received Respondent's Motion for Rehearing or Review ("Motion") regarding the Board Order dated May 27, 2022. This matter came before the Board for review, discussion, and action on June 15, 2022. Respondent was present for the proceeding. After considering all the evidence and arguments submitted by Respondent, the Board voted to deny Respondent's Motion.

ORDER

Respondent's Motion for a Rehearing or Review is DENIED. The Board's May 27, 2022 Findings of Fact, Conclusions of Law, and Order are now effective and constitutes the Board's final administrative order.

RIGHT TO APPEAL TO SUPERIOR COURT

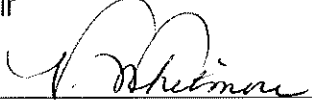
This determination is a final adjudication. Please be advised that, according to A.R.S. § 32-2241(I), decisions of the Board are subject to judicial review pursuant to Title 12, Chapter 7, Article 6. The Respondent in this matter

1 may file a complaint for judicial review in the Superior Court for the county in
2 which the party resides within thirty-five (35) days after the date the Board
3 Order is mailed to the party's last known address.

4
5 ISSUED this 20th day of June 2022 at Phoenix, Arizona

6 Arizona State Veterinary Medical Examining
7 Board

8 James Loughhead
9 Chair

10 By: 
11 Victoria Whitmore, Executive Director

12
13 Original of the foregoing filed this 20th day of June, 2022
14 with the:

15 Arizona State Veterinary Medical Examining Board
16 1740 W. Adams Street, Ste. 4600
17 Phoenix, Arizona 85007

18 Copy of the foregoing sent by certified, return receipt mail
19 this 20th day of June, 2022 to:

20 Simon Escalada, DVM
21 Address on file
22 Respondent

23 By: 
24 Board Staff

BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD

IN THE MATTER OF:) CASE No.: 22-42
)
SIMON ESCALADA, DVM) FINDINGS OF FACT,
HOLDER OF LICENSE No. 0881) CONCLUSIONS OF LAW
) AND ORDER
FOR THE PRACTICE OF VETERINARY)
MEDICINE IN THE STATE OF ARIZONA,)
)
RESPONDENT.)

The Arizona State Veterinary Medical Examining Board ("Board") considered this matter at its public meeting on April 20, 2022. Simon Escalada, DVM ("Respondent") appeared on his own behalf for an Informal Interview that was held pursuant to the authority vested in the Board by A.R.S. § 32-2234(A). After due consideration of the evidence, the arguments and the applicable law, the Board voted to issue the following Findings of Fact, Conclusions of Law and Order ("Order").

FINDINGS OF FACT

1. Respondent is the holder of License No. 0881 and is therefore authorized to practice the profession of veterinary medicine in the State of Arizona.

2. Complainant stated that while completing a medication reconciliation at Tucson Medical Center with Respondent's wife, he called to verify the prescriptions from their pharmacy. The pharmacy could not provide the records of the medication Respondent's wife reported she was taking.

3. Complainant checked with Respondent's wife to verify the information regarding her prescriptions and was told by Respondent that he had given his

1 wife multiple medications from his veterinary premises. The medications
2 Respondent provided to his wife were:

- 3 a. Fluoxetine;
- 4 b. Gabapentin; and
- 5 c. Methocarbamol.

6 4. According to Respondent, his wife has multiple health issues which have
7 been complicated by the pandemic and the death of their nurse practitioner.
8 Respondent testified that he thought self-prescribing and dispensing was
9 common among practitioners. He further testified that he dispensed
10 medications to his wife in order to avoid the hassle of the pharmacy and to
11 obtain better prices.

12 5. Respondent does not dispute the allegations.

13 CONCLUSIONS OF LAW

14 6. The conduct and circumstances described in the Findings of Fact above,
15 constitutes a violation of **A.R.S. § 32-2232 (15)** Distribution of prescription only
16 drugs for other than legitimate purposes.

17 7. The conduct and circumstances described in the Findings of Fact above,
18 constitutes a violation of **A.R.S. § 32-2232 (26)** Prescribing or dispensing any
19 prescription drugs in the absence of a valid veterinary client patient
20 relationship.
21

22 ORDER

23 Based upon the foregoing Findings of Fact and Conclusions of Law it is
24 **ORDERED** that Respondent's License, No. 1360 be placed on **PROBATION** for a
25

1 period of one (1) year, subject to the following terms and conditions that shall
2 be completed within the Probationary period.

3 1. **IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to the
4 Board that he has completed three (3) hours of continuing education (CE);
5 hours earned in compliance with this order shall not be used for licensure
6 renewal. Respondent shall satisfy these **three (3) hours by attending CE in the**
7 **area of Veterinary Client Patient Relationships and/or Medical Record**
8 **Keeping.** Respondent shall submit written verification of attendance to the
9 Board for approval.

10 2. **IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to the
11 Board that he has completed three (3) hours of continuing education (CE);
12 hours earned in compliance with this order shall not be used for licensure
13 renewal. Respondent shall satisfy these **three (3) hours by attending CE in**
14 **the area of Prescription Drugs.** Respondent shall submit written verification of
15 attendance to the Board for approval.

16 3. **IT IS ORDERED THAT** Respondent review the Arizona Veterinary Practice Act
17 and **submit a written summary** to the Board on or before the end of the
18 Probationary period.

19 4. **IT IS ORDERED THAT** respondent shall **attend a meeting** of the Arizona
20 Veterinary Medical Examining Board to observe the Initial Investigative
21 Reviews and Informal Interviews.

22 5. **All continuing education to be completed for this Order shall be**
23 **pre-approved by the Board.** Respondent shall submit to the Board a written
24 outline regarding how he plans to satisfy the requirements in paragraphs 1
25 and 2 for its approval within sixty (60) days of the effective date of this Order.

1 The outline shall include **CE course details** including, **name, provider, date(s),**
2 **hours of CE** to be earned, and a **brief course summary**.

3 6. Respondent shall obey all federal, state and local laws/rules governing the
4 practice of veterinary medicine in this state.

5 7. Respondent shall bear all costs of complying with this Order.

6 8. This Order is conclusive evidence of the matters described and may be
7 considered by the Board in determining an appropriate sanction in the
8 event a subsequent violation occurs. In the event Respondent violates any
9 term of this Order, the Board may, after opportunity for Informal Interview or
10 Formal Hearing, take any other appropriate disciplinary action authorized by
11 law, including suspension or revocation of Respondent's license.

12 NOTICE OF APPEAL RIGHTS

13 Respondent is hereby notified that he has the right to request a rehearing
14 or review of the Order by filing a motion with the Board's Executive Director
15 within 30 days after service of this Order. Service of the Order is effective five
16 days after the date of mailing to Respondent. See A.R.S. § 41-1092.09. The
17 motion must set forth legally sufficient reasons for granting a rehearing or review.
18 A.A.C. R3-11-904. If a motion for rehearing or review is not filed, the Board's
19 Order becomes final 35 days after it is mailed to Respondent. Respondent is
20 further notified that failure to file a motion for rehearing or review has the effect
21 of prohibiting judicial review of the Order, according to A.R.S. § 41-1092.09(B)
22 and A.R.S. § 12-904, et seq.

23 Dated this 27th day of May, 2022.

24 Arizona State Veterinary Medical Examining Board
25 Jim Loughhead
Chairman

1 By: V. Whitmore
2 Victoria Whitmore, Executive Director

3 Original of the foregoing filed this 27th day of May, 2022
4 with the:

5 Arizona State Veterinary
6 Medical Examining Board
7 1740 W. Adams St., Ste. 4600
8 Phoenix, Arizona 85007

9 Copy of the foregoing sent by certified, return receipt mail
10 this 27th day of May, 2022 to:

11 Simon Escalada, DVM
12 Address on file
13 Respondent

14 By: V. Whitmore
15 Board Staff